



CITY OF HAYWARD

AGENDA REPORT

Planning Commission
Meeting Date 03/09/00
Agenda Item 4

TO: Planning Commission

FROM: Arlynn J. Camire, Associate Planner

SUBJECT: Use Permit and Parking Exceptions Application No. 00-160-06 – David Terwilliger/Larry's Tire (Applicant), Donald Boehm (Owner): Request To Establish A Tire And Wheel Sales And Installation Service Within An Existing 12,300-Square-Foot Commercial Building - The Property Is Located At 750 A Street, North Side, In A CC-C (Central City Commercial) District

RECOMMENDATION

It is recommended that the Planning Commission approve the use permit application subject to the attached findings and conditions of approval.

DISCUSSION

The applicant proposes to relocate his tire and wheel sales and installation service within a building once used as an automobile show room and repair garage. The building has not been occupied for the last several years. The building shares the 45,650-square-foot site with 2 other vacant buildings; a 4,544 retail building and a 1,792-square-foot garage.

The property is a flat, rectangular, through parcel, with approximately 180 feet of street frontage on both A Street and Smalley Avenue approximately 295 feet in depth. The property is located just outside Downtown Hayward Redevelopment Plan Area. It is adjacent to retail uses on A Street, and multiple family residential and automobile related uses are located to the rear of the property on Smalley Avenue. Surrounding properties to the east, south and west are zoned CC-C Subdistrict. The parcels to the north that are developed with an apartment building are zoned High Density Residential (RH) District and the parcels that are developed with auto uses are zoned CC-C Subdistrict.

Background

Larry's Tires is currently located at 835 A Street within the proposed Lucky Market (now Albertsons Market) project site. Larry's predecessor, Superior Tire, and Larry's Tire have operated in Hayward for over 30 years. Larry's must relocate by mid-May so work can begin on construction of the shopping complex. The applicant wishes to locate in the vicinity of his present business so he can continue to serve his current customer base. He also wishes to maintain the business goodwill he established and nurtured over the years and that was also carried over by his business predecessor. Although the Planning Commission approved a use

permit to operate the proposed business at 22269 Mission Boulevard (the Kilpatrick's building), the applicant was unable to come to terms with the owner of that property regarding the lease and property improvement responsibilities.

Proposal

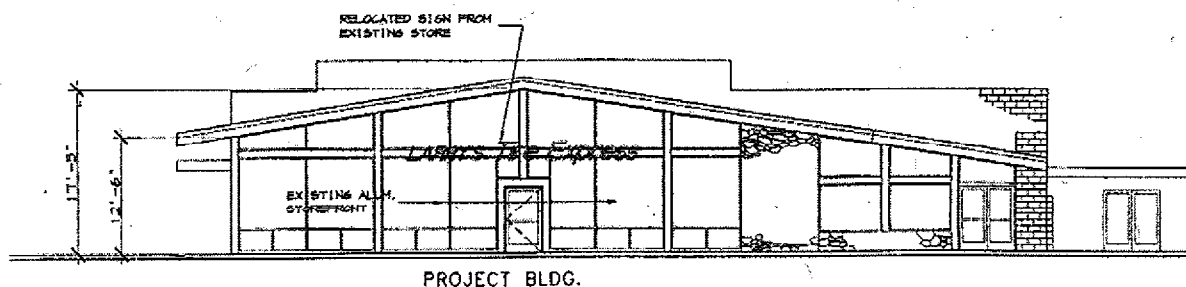
The applicant proposes to complete improvements to an existing 12,330 square foot automobile showroom and garage. The proposal involves remodeling and adapting the building to accommodate a tire and wheel showroom, offices, a waiting room, new and used tire storage, wheel storage, an employee lunch room, and restrooms that are accessible to persons with physical disabilities. The tire installation, and service will take place in the rear area that was once used an automobile repair garage. The facility would operate during normal business hours, 8:30 a.m. to 6:00 p.m., Monday through Saturday. Minor site improvements such as new landscaping and irrigation on the west and north sides of the parking lot, reconfiguration of the parking lot, and fencing are proposed. The building will be painted and minor façade improvements will be made while retaining the showroom windows located adjacent to A Street. The applicant's existing sign from the existing A Street store is proposed to be mounted on the building fascia.

Architecture

The building consists of metal frame construction with white colored exterior concrete block walls, and a aluminum fascia and window framing with large showroom windows that fill the entire front and west facades of the showroom and office area. A small office entry with windows is located on the east side of the front of the building. A gable roof covers the front section and an arched roof is in the rear above the service, installation and tire storage portion of the building. The applicant proposes to clean the building exterior and paint it light gray with teal trim.

The vacant, on-site building also located on A Street has a similar design. The design, façade treatment and color of the two buildings are required to remain consistent. The service garage behind the vacant retail store is required to be painted the same color as the buildings fronting on A Street.

Building Elevation



Site Improvements

Site improvements include removal of a storage shed that will be replaced with a trash/recycling enclosure. Fire sprinklers will be installed in the entire building. The parking lot will be repaved and restipped, planters will be installed on the west and north sides of the parking lot, and a fossil filter system will be within the existing drainage system. Before issuance of a building permit, the City Engineer must approve a drainage plan, and all site improvements must be completed prior to occupancy.

The Smalley Avenue requires the replacement of sidewalks, curbs and gutters which are cracked and raised. In addition one of the two driveways will be closed. A condition of approval requires replacement of the curb, gutter, sidewalk, tie-in pavement and the removal of a driveway on Smalley Avenue.

The applicant proposes to paint the buildings a light gray with teal trim. Broken rain gutters, downspouts and windows will be replaced. The fence located on the west side of the parking lot, adjacent to a residences will be replaced with a masonry wall. The chainlink fence located on the east side of the parking lot will be repaired, the razor wire will be removed and slats will be replaced.

Parking Exceptions and Vehicular Circulation/Emergency Access/Access for Persons with Disabilities

Vehicular access will be modified to permit two-way vehicular circulation within the parking lot and from A Street, through the parking lot to Smalley Avenue. Emergency ingress and egress is accessible from A Street straight through to Smalley Avenue. An access gate with a lock box or equivalent locking device will be installed at the Smalley Avenue entrance. The gates will remain locked during non business hours. The required parking to accommodate all three buildings is 51 spaces, however only 44 stalls including 2 van accessible stalls for persons with physical disabilities will be provided. Staff supports the exception to the required parking since Larry's Tires will have four service stalls in the building, the operator has shown in his current location that the actual parking demand is less than the City's requirement. Furthermore, the use will occupy an existing site that does not allow for expansion. Staff is of the opinion that adequate parking will be available to customers and employees of Larry's Tires and the two vacant buildings. Unless demonstrated that alternative parking can be provided, the vacant retail building may not be used for a restaurant due to the parking deficit.

In addition, the parking lot is required to have a 7.5-foot landscape setback from both the west and east property lines. Because of site constraints, the set back cannot be provided on the east side and only a 6-foot set back can be provided on the west side. Because this is an existing site, staff is supportive of this exception.

Landscaping and Fencing

Landscape modifications proposed by the applicant include the installation of additional plantings along the Smalley Avenue which includes the replacement of driveway access with a planter and installation of a planter on the east side of the parking lot adjacent to 12 compact parking spaces. The City Landscape Architect recommends submittal of a detailed landscape and irrigation plan at the time of building permit submittal.

Staff recommends that the fence on the west side of the property, which is adjacent to residences, be replaced with a masonry wall. The intent of the wall is to mitigate traffic noise created by vehicles that would enter and exit parking lot. However, the applicant feels that it is not necessary. In addition, the applicant proposes to retain the existing fencing along the east side of the parking lot which adjoins a parking lot since this fence is good condition. .

Staff also recommends that the chain link fence to the rear of the parking lot on Smalley Avenue be replaced with decorative fencing.

Signs

The applicant proposes to remove one of his signs from the Larry's Tire store at 835 A Street and install it on a raceway within the building facia above the proposed tire showroom and sales area. The sign is internally illuminated, with an individual golden plex face channel letter design. The letters vary from 20-inches to 28-inches in height, and the sign has an overall length of 20-feet and is 60 square feet in area. The sign conforms to the Sign Regulations adopted for the CC-C Subdistrict. The applicant does not intend to install any additional signage.

Trash and Recycling Enclosures

A trash and recycling enclosure is shown at the back of the building. The plans do not indicate the design or materials proposed for either enclosure. City Design Guidelines require an enclosure design that is complementary to the building and that must be constructed of wood, masonry or other durable materials. A condition of approval will require that the design and location of the trash and recycling facilities must be approved by the Director of Community and Economic Development/Planning Director before the issuance of a building permit. Another condition will require the City's Solid Waste Manager to approve the design of the trash and recycling enclosures to ensure the enclosure design conforms with the requirements of the City's Recycling program.

The applicant indicates that all used tires will be stored within the building and that a contract tire removal service will remove used tires at least once a week. The Fire Prevention Bureau does not object to used tire storage within the building since the building will require fire sprinklers and that the fire emergency access provisions including the emergency ingress and egress onto Smalley Avenue will be adequate. A condition of approval will prohibit storage outside the building including but not limited to tires, rims or equipment.

Lighting

The exterior lighting that currently serves the building and the customer and employee parking areas does not appear adequate. A condition of approval will require the applicant to submit a site lighting plan for the property before a building permit can be issued. The plan must incorporate decorative exterior lighting fixtures, lighting must be arranged to reflect away from adjacent properties and designed to conform to the City's Security Ordinance, which is a minimum of one candle-foot at ground level during hours of darkness.

Hours of Operation

The applicant intends to operate during normal business hours, generally between the hours of 8:30 a.m. and 6:00 p.m. Monday through Saturday. Any request to modify the hours of operation is subject to the approval of the Director of Community and Economic Development/Planning Director.

Noise

There are residences and an auto repair garage to the rear of the site. The operations will be completely contained within the concrete block building located at the front of the site. In addition, staff recommends the replacement of the wooden fence with a masonry wall to be built on west side of the rear of the property. This will mitigate traffic noise for the adjacent multiple family residence located next to the parking lot. Therefore, it is anticipated that noise from Larry's Tires will not affect these residential properties.

General Plan, Permitted Uses and Planning Issues

The General Plan Map designation for the property and the area along the northerly and southerly sides of A Street is Retail and Office Commercial. A tire sales and installation use conforms to the General Plan designation. The applicant's convenient downtown location at 835 A Street has served a wide customer base. Minor auto repair in downtown can serve downtown workers and residents. This type of use also provides an opportunity for customers to leave their vehicles for repair and use BART.

The entire site was once occupied by an auto dealership that vacated the site in the mid-1980's. The buildings can be occupied by a variety of office, retail commercial and service uses. However, unless it can be demonstrated that adequate parking exists on-site or at adjacent parking facilities, the buildings cannot be occupied by a restaurant. At this time, it is not known what uses will occupy the two vacant buildings.

Environmental Review

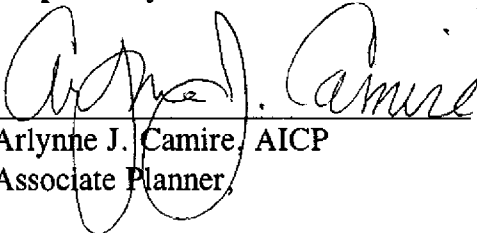
The project is exempt from environmental review as defined by the California Environmental Quality Act (CEQA) Guidelines Section 15301, Class 1, Existing Facilities.

Public Hearing Notice


On February 28, 2000, a Notice of Public Hearing was mailed to every property owner and resident within 300 feet of the property as noted on the latest assessor's records.

During the use permit referral process staff solicited comments from neighborhood residents and property owners regarding the project. The adjacent business owner contacted staff to discuss his comments. He supported the relocation of Larry's Tires to this location.

Prepared by:

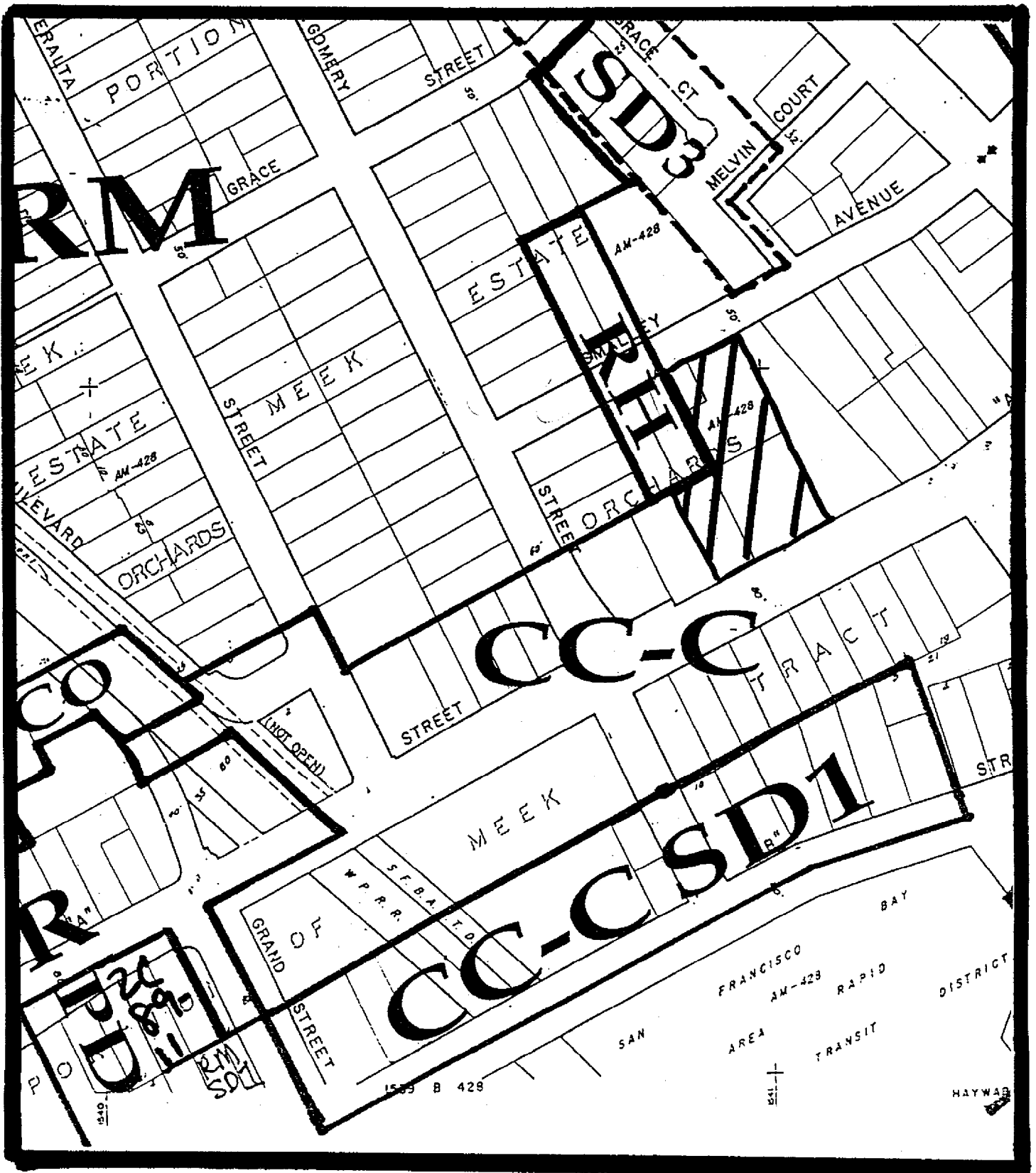

Arlynn J. Camire, AICP
Associate Planner

Recommended by:


Dyana Anderly, AICP.
Planning Manager

Attachments:

- A. Area/Zoning Map
- B. Findings for Approval
- C. Conditions of Approval of Use Permit
Development Plans



FINDINGS FOR APPROVAL
Use Permit Application 00-160-06
Larry's Tire
750 A Street

1. That Larry's Tire project as conditioned is desirable for the public convenience or welfare in that the tire sales and service use will be centrally located near the downtown area amid other automobile oriented uses;
2. That Larry's Tire project as conditioned will not impair the character and integrity of the Central City Commercial (CC-C) District and the abutting RH District in that approval of the applicant's request to relocate his existing business will require the applicant to rehabilitate the property to conform with the City's Minimum Design and Performance Standards for the CC-C District, that the addition of new fencing and landscaping along Smalley Avenue;
3. That the project as conditioned will not be detrimental to the public health, safety, or general welfare in that the applicant will be required to conform with all Uniform Building, Fire and related code requirements, including but not limited to emergency access and requirements for persons with disabilities, that the applicant will be required to conform with and install all the recommendations and that the applicant must conform with all conditions of the use permit including but not limited to hours of operation, landscaping, and related site improvements;
4. That the project as conditioned will be in harmony with applicable City policies including the City's Design Guidelines and the Central City Development Minimum Design and Performance Standards in that the applicant will relandscape the Smalley Avenue frontage, and that the applicant will be required to install a new fence along the South side of the parking lot and close a driveway on Smalley Avenue.

FINDINGS FOR APPROVAL

Parking and Parking Lot Set Back Exceptions

(44 parking spaces in lieu of 51 parking spaces and a zero landscape set back on the east side and a 6-foot landscape setback the west landscape of the parking lot in lieu of the required 7.5-foot landscape setback)

Larry's Tire

750 A Street

- A. The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, Class 1, Existing Facilities;
- B. There are special circumstances peculiar to the property involved that do not apply generally to property in the same district in that the uses are permitted in the zone and ample parking is provided in public parking facilities;
- C. Literal interpretation of the Off-Street Parking Regulations would cause a hardship on Larry's tires in that physical constraints of the property do not allow for more than 44 parking spaces to be provided where 51 parking spaces are required. In addition, the physical constraints of the property do not allow for the required parking lot side yard set back to be provided on the east side and the west landscape set back is 6-feet in lieu of the required 7.5-foot landscape setback;
- D. The exceptions to the Off-Street Parking Regulations do not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the Central City-Commercial Subdistrict in that the subject property is limited by the availability of land to provide additional parking spaces and additional landscaping;
- E. The granting of exceptions will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the requirements set forth in the Off-Street Parking Regulations as nearly as is reasonably possible because Larry's Tires will have four service stalls in the building and the operator has shown in his current location that the actual parking demand is less than the City's requirement;
- F. The granting of the exceptions will not create a safety hazard or any other condition inconsistent with the purpose of the Off-Street Parking Regulations.

CONDITIONS OF APPROVAL
Use Permit Application 00-160-06
Larry's Tire
750 A Street

General

1. Use Permit Application No. 00-160-06 is approved subject to the specific conditions listed below. This permit becomes void on March 9, 2001, unless prior to that time building permit has been accepted for processing by the Building Official, or a time extension is approved A request for a one year extension must be submitted to the Development Review Services Division 15 days prior to the above date.
2. All improvements indicated on the site plan labeled Exhibit "A" shall be installed prior to occupancy of the building.
3. Inoperable vehicles are not permitted to be stored on-site. All vehicles are required to be in working order.
4. Outdoor storage of tires or related equipment shall be prohibited on-site. Vehicular repair, storage, or related activity outside the building shall be prohibited.

Prior to the issuance of a building permit the applicant shall:

5. Submit a color board to be reviewed and approved by the Director of Community and Economic Development/Planning Director. The buildings are required to be painted light gray with teal trim.
6. Submit a complete set of construction documents including property survey, architectural/structural and/or electrical/mechanical plumbing/plans, calculations and specifications where possible.
7. Submit a site drainage plan including the design of a fossil filter system.
8. Submit a detailed landscape and irrigation plan prepared by a licensed Landscape Architect and for the review and approval by the City Landscape Architect. Landscaping and irrigation shall comply with the City's *Water Efficient Landscape Ordinance*.
9. Submit a fence and wall design plan to the Director of Community and Economic Development for review and approval. Razor wire or similar wire is required to be removed.

10. Submit to the Director of Community and Economic Development/Planning Director the design of the exterior trash enclosure and recycling enclosure. The materials shall be complementary to or reflect of materials used within the building. Proposed dimensions and design of the enclosures shall comply with the City's Recycling Ordinance and shall contain provisions for trash and recycling facilities such as a trash dumpster and recycling carts.
11. Submit an exterior lighting plan. Lighting shall be designed to reflect away from adjacent properties and shall incorporate decorative exterior fixtures and shall provide a minimum of one candle foot at ground level during hours of darkness.
12. Submit a revised parking lot plan that includes the following:
 - a. Provide a revised site plan that reflects the parking and circulation area shown on "Exhibit A";
 - b. The driveways shall conform to SD-110 (6-foot flares);
 - c. The driveway accessing Smalley Avenue shall be 24-feet-wide
 - d. The parking area between the two vacant buildings abutting the west property line. It is appropriate to locate the 2 required parking spaces for persons with physical disabilities within the parking area between the 2 vacant buildings abutting the west property line. Design a parking layout for this area.
13. The facades of the two retail buildings of A Street are required to have similar entry way features.
14. Fire Department Requirements:
 - a. The tenant shall only perform tire service and repair. No other vehicle services shall be done at this building.
 - b. A one hour separation between the "M" occupancy and "S-3" occupancy is required. All tenant improvements require a building permit.
 - c. An automatic fire sprinkler system is being proposed for the building. The system shall be designed for meeting overhead ceiling densities per NFPA 13 and 231-D (Storage of Rubber Tires) Standards. The underground fire service shall meet NFPA 24 Standards.
 - d. The building shall meet storage requirements as per the 1998 California Fire Code, Article 81, for Storage of Tires (High Hazard Commodity).
 - e. Tenant shall obtain appropriate permits for the installation of racks, if the tire racks exceed 6' in height.
 - f. Building shall have a carbon monoxide detection system installed within the "S-3" occupancy.
 - g. All use and/or storage of hazardous materials shall be reported to the fire department per previous meetings, the applicant has indicated that the tire service will only be conducted and no additional hazardous materials will be used.

- h. Provide an emergency access gate with a Fire Marshall approved lock box or equivalent locking device on the A Street and Smalley Avenue frontages. The design of the emergency access gate, including gate width, locking device(s) and location shall be approved by the Fire Marshal.

15. Prior to Connection of Utilities

- a. The on-site paving shall be repaired or replaced to the satisfaction of the City Engineer. The minimum thickness of asphalt concrete pavement shall be 3 inches and it shall be compacted to a relative compaction of not less than 95 percent;
- b. The damaged sidewalk and curb along both property frontages shall be replaced to match existing.
- c. The easterly driveway on Smalley Avenue shall be removed and replaced with curb, gutter, sidewalk and tie-in paving to match existing improvements. Replace the curb, gutter, sidewalk and tie-in pavement on Smalley Avenue as required by the City Engineer.
- d. All catch basins shall be equipped with fossil filters or an equivalent device approved by the City Engineer.
- e. Obtain encroachment permits prior to the commencement of any work to be done within the street right-of-way.
- f. Replace all broken windows, broken rain gutters and broken downspouts.

16. Prior to occupancy the applicant shall:

- a. Submit a sign permit application for relocation of the existing business sign from the applicant's property at 835 A Street.
- b. The applicant shall submit an on-site recycling plan to the City's Solid Waste Manager to be implemented prior to occupancy. The recycling plan shall call for the removal of used tires on a weekly basis.

17. All applicable requirements of the City's Security Ordinance shall be met.

18. Landscaping shall be maintained in a weed- condition at all times with replacement plants provided where necessary. Required street and parking lot trees that are severely topped or pruned shall be immediately replaced, as determined by the City Landscape Architect.

19. The property owner shall maintain in good repair all building exteriors, walls, lighting, landscaping, trash enclosures, drainage facilities, driveways, and parking areas. The premises shall be kept clean and any graffiti shall be painted or removed within seven days of occurrence.

20. Prior to authorization for occupancy, including authorization for gas and electric meter service, staff shall ensure that the use arrangement, construction, and improvements are in conjunction with plans approved through verification of zoning compliance procedures.
21. Violation of conditions is cause for revocation of this permit application at a public hearing before the duly authorized review body.